

DRAFT



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

TOWN HALL COMMISSION CHAMBERS
3614 S. OCEAN BLVD.
HIGHLAND BEACH, FL

Date: November 07, 2023
Time: 1:30 PM

1. CALL TO ORDER

Mayor Moore called the meeting to order at 1:30 P.M.

2. ROLL CALL

Commissioner Judith Goldberg
Commissioner Donald Peters
Commissioner Evalyn David
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Glen Torcivia
Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

Town Commission led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: David/Goldberg – Moved to approve the agenda as presented, which passed unanimously 5 to 0.

5. PRESENTATIONS / PROCLAMATIONS

A. Veterans Day Proclamation

Mayor Moore read the proclamation and acknowledged November 11th as Veterans Day.

6. PUBLIC COMMENTS

Ms. Barbara Nestle provided public comments.

Ms. Joanne Ryan, Permit Sea Turtle holder provided comments.

7. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

Board Vacancies

Board of Adjustment and Appeals Two (2) vacancies, for a three year-terms
and
One (1) vacancy for an unexpired term
ending September 21, 2024

Code Enforcement Board One (1) vacancy for an unexpired term
ending September 21, 2024

Meetings and Events

November 09, 2023 9:30 A.M. Planning Board Regular Meeting

November 10, 2023 Town Hall closed in observance of Memorial Day

November 14, 2023 1:00 P.M. Code Enforcement Board Regular Meeting

November 21, 2023 1:30 P.M. Town Commission Meeting

Board Action Report

1. Planning Board Recommendations on the proposed amendment concepts pertaining to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code.

Town Planner Ingrid Allen provided a brief history of the previous public meetings of the Town Commission and Planning Board discussions on the proposed amendment concepts pertaining to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code. Chairperson of the Planning Board, Eric Goldenberg discussed the Planning Board's recommendations on the proposed amendment concepts. In addition, Mr. Jason Chudnofsky, a member of the Planning Board, also provided comments on the matter.

Mayor Moore suggested that the Town Commissioners, who have not had an opportunity to tour the Town waterways via the Police Department's Marine Patrol Unit to schedule a tour with the Police Department to view the marina facilities and seawalls.

This item will be placed on future Town Commission agendas for continued discussion.

8. ORDINANCES (

A. Ordinance No. 2023-003 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, amending the code of ordinances, at Chapter 33 "Acquisition of Goods and Services, "Section 33-2 "Methods of Acquisition"; Amending Section 33-3 "Town Commission Approval"; and for other purposes; providing for the repeal of all ordinances in conflict, codification, severability, and an effective date (First Reading was October 03, 2023).

Mayor Moore mentioned this was the second reading of the ordinance. She opened the item for public comments. Hearing none, she closed the public comments.

MOTION: David/Goldberg – Moved to adopt Ordinance No. 2023-004. Upon roll call: Commissioners David, Goldberg, and Peters (Yes), Vice Mayor Stern and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

B. Ordinance No. 2023-004 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, calling for a Referendum of the Qualified Electors of the Town of Highland Beach to be held on March 19, 2024, as to whether the Funding Limitation of \$350,000, set forth in Section 2.01(30) of the Town of Highland Beach Charter, shall be adjusted to \$900,000 to account for the past 32 years of inflation and be adjusted annually thereafter on June 1st (beginning In 2025) in accordance with the Regional Consumer Price Index (MSA); providing for notice and advertising of the referendum; providing for referendum canvassing; providing for severability, the repeal of laws in conflict, codification, and an effective date (First Reading was October 17, 2023).

Mayor Moore mentioned this was the second reading of the ordinance pertaining to the referendum ballot question to increase the Town's funding limitation. She opened the item for public comments. Hearing none, she closed the public comments.

MOTION: David/Stern – Moved to adopt Ordinance No. 2023-004. Upon roll call: Commissioner David (Yes), Vice Mayor Stern (Yes), Commissioners Goldberg and Peters (Yes), and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

C. Ordinance No. 2023-005 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town Of Highland Beach, Florida, calling for a Referendum of the Qualified Electors of the Town of Highland Beach to be held on March 19, 2024, as to whether the Town of Highland Beach shall amend its Charter at Article I, Section 1.06(7) to provide the Town Commission the discretion to designate, by resolution, the Palm Beach County Canvassing Board to serve as Highland Beach's Canvassing Board during the Uniform Municipal Elections; providing for notice and advertising of the referendum; providing for referendum canvassing; providing for severability, the repeal of laws in conflict, codification, and an effective date (First Reading was October 17, 2023).

Mayor Moore mentioned this was the second reading of the ordinance pertaining to the referendum ballot question related to the Canvassing Board. She opened the item for public comments. Hearing none, she closed the public comments.

MOTION: David/Goldberg – Moved to adopt Ordinance No. 2023-005 on second/final reading. Upon roll call: Commissioners David, Goldberg, and Peters (Yes), Vice Mayor Stern, and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

D. Ordinance No. 2023-006 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, amending the Administrative Amendments to the 7th (2020) Edition of the Florida Building Code to update and amend the requirements for reinspection and recertification of existing threshold buildings and other buildings owned by a condominium or cooperative association; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was October 17, 2023).

Mayor Moore mentioned this was the second reading of the ordinance pertaining to updating the building code. She opened the item for public comments. Hearing none, she closed the public comments.

MOTION: David/Goldberg – Moved to adopt Ordinance No. 2023-006. Upon roll call: Commissioners David, Goldberg, and Peters (Yes), Vice Mayor Stern and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

9. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

October 17, 2023 Town Commission Meeting Minutes

MOTION: David/Stern – Moved to approve the Consent Agenda as presented, which passed unanimously 5 to 0.

10. UNFINISHED BUSINESS

A. Fire Rescue Implementation Update

Fire Chief Glen Joseph provided an update on the recruiting and hiring process for firefighters, the construction of the fire rescue building, the fire truck, and purchase of fire equipment.

There were conversations about future use and the potential to renovate the old fire station area, the façade and painting all town owned buildings white. Town Manager Labadie explained that Kaufmann Lynn Construction will provide draft plans for the old fire station area along with cost. Fire Chief Joseph will speak with Kaufmann Lynn about paint colors. Town staff will provide the Town Commission with samples of paint colors.

Fire Chief Joseph mentioned Wednesday, December 6 is the Top Off Ceremony hosted by Kaufman Lynn Construction. Also, the Town will receive the temporary certificate of occupancy in mid-April of 2024 and the official certificate of occupancy in June or July of 2024.

Town Manager Labadie talked about the State of Florida Joint Legislative Committee's draft preliminary operational audit findings related to the existing interlocal agreement between the City of Delray Beach and the Town for fire rescue services. The draft audit findings were released to the media last Tuesday. He had not been contacted by the state nor made aware that the audit findings were released. Town Manager Labadie also mentioned the reasons why the Town chose to create its own fire rescue department. Besides, he talked about the audit findings and lack of support documents to prove the findings.

Town Attorney Torcivia is preparing a response letter to the State Joint Legislative Audit Committee expressing the Town's concerns regarding the process. Additionally, Town Manager Labadie has contacted an outside legal counsel to develop a pre-litigation strategy to protect the Town's interests.

Town Attorney Torcivia provided comments about the turmoil, turnovers, and mismanagement of the City of Delray Beach over the past ten years. He

commented that he would be embarrassed if he was Delray Beach. He also believed that the Town overpaid the City of Delray Beach.

The next steps: 1) Town Manager Labadie and Attorney Torcivia will work on the immediate response to the Joint Legislative Audit Committee expressing the Town's concerns; 2) the Town Manager will speak with an outside expert legal counsel about pre-litigation strategies; 3) the Town's external auditor will close out their research so the Town will have a record; 4) the Town Manager will provide the Town Commission with an update on the matter regularly; and 5) Town Manager plan to attend the upcoming Joint Legislative Committee meeting for the final audit findings.

Mayor Moore opened the item for public comments.

Mr. Jason Chudnofsky provided comments.

Hearing no further comments, Mayor Moore closed the public comments.

B. Florida Department of Transportation (FDOT) RRR Project Update

Town Manager Labadie announced FDOT sent out a Public Notice about their meeting in Boca Raton related to the Boca project. Town staff will send the notice out to the public.

C. Building Department Recertification Program Update

Town Manager Labadie reported that the program is working well.

D. Continued discussion of Milani Park.

Town Manager Labadie reported the following:

On February 1, 2024, Palm Beach County will host a public input meeting about the development of Milani Park.

He is making calls to find an archeologist and a special counsel to help with reviewing the work of the county.

He spoke about Senate Bill 108 – Live Local as it relates to development.

11. NEW BUSINESS

A. Approve and authorize the Town Manager to execute a Construction Services Agreement with Baxter & Woodman, Inc. in the amount of \$89,935.22 for Lift Station No. 3 Rehabilitation Project.

Mayor Moore read the title of this item.

MOTION: David/Goldberg – Moved to approve and authorize the Town Manager to execute a Construction Services Agreement with Baxter & Woodman, Inc. in an amount of \$89,935.22 for Lift Station No. 3 Rehabilitation Project. Upon roll call, Commissioners David, Goldberg, and Peters (Yes), Vice Mayor Stern and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

B. Approve and authorize Town staff to purchase an annual supply of sulfuric acid, sodium hydroxide and corrosion inhibitor chemicals from multiple vendors in an amount of \$173,008.40 for the Town's Water Treatment Plant operations.

Mayor Moore read the item for this item. Public Works Director Pat Roman provided comments about this item.

MOTION: David/Goldberg – Moved to approve and authorize Approve and authorize Town staff to purchase an annual supply of sulfuric acid, sodium hydroxide and corrosion inhibitor chemicals from multiple vendors in an amount of \$173,008.40 for the Town's Water Treatment Plant operations. Upon roll call: Commissioners David, Goldberg, and Peters (Yes), Vice Mayor Stern and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

12. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg thanked everyone that spoke at the meeting today. She will be attending the Florida League of Cities meeting next week.

Commissioner Donald Peters thanked Town Planner Allen, Chairperson Goldberg, and Mr. Chudnofsky for their comments today. He also thanked the veterans for their serve.

Commissioner Evalyn David expressed sympathy for the people who have lost loved ones and those that have been injured because of the conflict in the middle east.

Vice Mayor David Stern announced that there will Condo Presidents and Managers meeting on Thursday, November 9.

Mayor Natasha Moore announced that State Representative Peggy Gossett-Seidman, District 91 is a co-sponsor along with Florida House Representative Katherine Waldron, District 93, and Senator Lori Berman on Senate Bill 125 (House Resolution 125) regarding the State of Israel. She also thanked State Representative Gossett-Seidman.

13. TOWN ATTORNEY'S REPORT

Town Attorney Torcivia had nothing to report.

14. TOWN MANAGER’S REPORT

Town Manager Labadie reported the following:

The Mingle and Jingle Holiday Community Event will be held on Thursday, December 7 from 5:30 P.M. to 7:30 P.M. at Saint Lucy Catholic Church. He thanked Reverend Father Horgan.

Congratulations to Eric Marmer! He was selected as the new Town Manager for the Town of Manalapan.

The Top Off Ceremony hosted by Kaufman Lynn Construction will be held on Wednesday, December 6 at 12:30 P.M.

He mentioned that the efforts the Town Commission is making to create its own Fire Department will be amazing, successful, and will provide unparalleled services to the community.

15. ADJOURNMENT

The meeting adjourned at 3:48 P.M.

APPROVED: November 21, 2023, Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Lanelda Gaskins

11/21/2023

Date

Lanelda Gaskins, MMC
Town Clerk

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town’s Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.